

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

RICK GUIDRY, DAVE SPENCER, and )  
FREDERICK CUNNINGHAM, Individually, )  
and on behalf of other similarly situated )  
employees and former employees, )

Plaintiffs, )

v. )

Case No. CIV-07-378-D

CHENEGA INTEGRATED SYSTEMS, L.L.C., )  
CHENEGA TECHNICAL PRODUCTS, L.L.C., )  
CHENEGA OPERATIONS SERVICES, L.L.C., )  
CHENEGA SECURITY & PROTECTION )  
SERVICES, L.L.C., and CHENEGA )  
CORPORATION, )

Defendants. )

**ORDER**

Before the Court is Defendants' Opposed Motion for Leave to File a Partial Motion for Summary Judgment Under Fed. R. Civ. P. 56 on the Joint Employer Issue and for a Proposed Briefing Schedule; or in the Alternative, a Page Extension for Defendants' Response to Plaintiffs' Supplemental Brief in Support of Their Second Motion for Conditional Class Certification [Doc. No. 59].

Regarding Defendants' request for leave to file a motion for summary judgment limited to the "joint employer" issue without prejudice to later filing a second summary judgment motion,<sup>1</sup> Defendants state that Plaintiffs oppose this request. Thus, the Court will reserve ruling on this part of Defendant's motion and will direct Plaintiffs to file a written objection, if they wish to maintain their opposition, not later than March 26, 2008.

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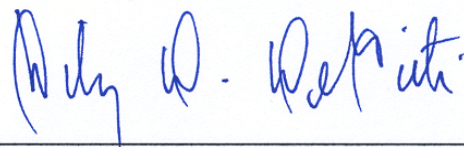
<sup>1</sup> See Okla. W.D. LCvR56.1(a) ("each party may file only one motion under Fed. R. Civ. P. 56").

Regarding Defendants' alternative request to file a 45-page brief in response to Plaintiffs' supplemental brief in support of the pending motion for conditional class certification, Defendants do not state whether Plaintiffs object to this request, although the caption of the motion suggests it is opposed. The Court notes Defendants filed their proposed brief, without permission, on March 21, 2008. Upon consideration of the request to file an oversized brief, the Court finds that it should be denied. Thus, the Court will order Defendants' response brief stricken from the record and will direct Defendants to file a brief that complies with local court rules.

IT IS THEREFORE ORDERED:

1. Plaintiffs shall respond not later than March 26, 2008, to Defendants' Opposed Motion for Leave to File a Partial Motion for Summary Judgment Under Fed. R. Civ. P. 56 on the Joint Employer Issue and for a Proposed Briefing Schedule.
2. Defendants' s Opposed Motion for a Page Extension for Defendants' Response to Plaintiffs' Supplemental Brief in Support of Their Second Motion for Conditional Class Certification is DENIED. The oversized response brief filed March 21, 2008 [Doc. No. 60] is stricken from the record and will be disregarded. Defendants shall file a response brief in compliance with Local Civil Rule LCvR7.1(e) not later than March 27, 2008.

IT IS SO ORDERED this 24<sup>th</sup> day of March, 2008.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE